

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Casey McCann	Team: Squad #14	CCRB Case #: 202004094	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 06/04/2020 7:40 PM, Thursday, 06/04/2020 7:40 PM, Thursday, 06/04/2020 7:40 PM	Location of Incident: East 137th Street & Brook Avenue; East 136th Street & Brook Avenue; East 136th Street & 3rd Avenue	Precinct: 40	18 Mo. SOL 12/4/2021	EO SOL 5/4/2022	
Date/Time CV Reported Tue, 06/09/2020 9:18 AM	CV Reported At: Mayor's Office	How CV Reported: E-mail	Date/Time Received at CCRB Tue, 06/09/2020 9:18 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POM Jimmy Perez	08269	941242	PSA 7
3. POM Jose Cordero	14899	956547	PSA 7
4. LT Eric Konoski	00000	930497	PSA 7
5. An officer			
6. DTS Andres Gomez	6964	951774	PSA 7

Officer(s)	Allegation	Investigator Recommendation
A.LT Eric Konoski	Abuse: At East 137th Street and Brook Avenue in the Bronx, Lieutenant Eric Konoski stopped § 87(2)(b) § 87(2)(b)	
B.LT Eric Konoski	Force: At East 137th Street and Brook Avenue in the Bronx, Lieutenant Eric Konoski used physical force against § 87(2)(b) § 87(2)(b)	
C. Officers	Force: At East 137th Street and Brook Avenue in the Bronx, officers used physical force against § 87(2)(b) § 87(2)(b)	
D. An officer	Force: At East 137th Street and Brook Avenue in the Bronx, an officer used physical force against § 87(2)(b) § 87(2)(b)	
E. An officer	Force: At East 137th Street and Brook Avenue in the Bronx, an officer struck § 87(2)(b) with a baton.	
F. Officers	Discourtesy: At East 137th Street and Brook Avenue in the Bronx, officers spoke discourteously to § 87(2)(b) § 87(2)(b)	
G. An officer	Force: At East 137th Street and Brook Avenue in the Bronx, an officer struck § 87(2)(b) § 87(2)(b) with a baton.	
H. An officer	Force: At East 137th Street and Brook Avenue in the Bronx, an officer used physical force against § 87(2)(b) § 87(2)(b)	
I. An officer	Force: At East 137th Street and Brook Avenue in the Bronx, an officer pulled § 87(2)(b) § 87(2)(b) hair.	
J.LT Eric Konoski	Force: At East 137th Street and Brook Avenue in the Bronx, Lieutenant Eric Konoski used physical force against § 87(2)(b) § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
K. Officers	Force: At East 137th Street and Brook Avenue in the Bronx, officers used physical force against § 87(2)(b) § 87(2)(b)	
L. Officers	Force: At East 136th Street and Brook Avenue in the Bronx, officers used physical force against § 87(2)(b) § 87(2)(b)	
M. An officer	Discourtesy: At East 136th Street and 3rd Avenue in the Bronx, an officer spoke discourteously to § 87(2)(b) § 87(2)(b)	
§ 87(2)(b), § 87(2)(g), § 87(4-b)		

Case Summary

On June 9, 2020, § 87(2)(b), § 87(2)(b) filed this complaint with the Mayor's Office via email on behalf of her parishioner, § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) was not present for the incident. The complaint was received at the CCRB on June 9, 2020.

On June 4, 2020, at approximately 7:40 p.m., § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) were walking home after checking on neighbors in the Mott Haven area of the Bronx due to a large protest occurring in the area. Lieutenant Eric Konoski, Detective Andres Gomez, Police Officer Jose Cordero, and Police Officer Jimmy Perez, all of Police Service Area (PSA) 7 were in the vicinity of East 137th Street and Brook Avenue in the Bronx in response to requests for additional units. At East 137th Street and Brook Avenue, Lieutenant Konoski stopped § 87(2)(b) § 87(2)(b) (**Allegation A: Abuse of Authority**, § 87(2)(g) Lieutenant Konoski grabbed § 87(2)(b) § 87(2)(b) left arm and twisted it behind her back to arrest her (**Allegation B: Force**, § 87(2)(g) Unidentified officers allegedly pushed § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) away from the area in which § 87(2)(b) § 87(2)(b) was being arrested (**Allegations C and D: Force**, § 87(2)(g) § 87(2)(b)). An officer allegedly struck § 87(2)(b) § 87(2)(b) with a baton (**Allegation E: Force, officer unidentified**). Officers allegedly told § 87(2)(b) § 87(2)(b) during the course of her arrest, "Get on the fucking ground," and, "You should have went the fuck home" (**Allegation F: Discourtesy**, § 87(2)(g) § 87(2)(b)). An officer allegedly struck § 87(2)(b) § 87(2)(b) right hand with a baton, kneed her in the stomach, and pulled her hair (**Allegations G-I: Force**, § 87(2)(g) Lieutenant Konoski and other unidentified officers took § 87(2)(b) § 87(2)(b) to the ground (**Allegation J: Force**, § 87(2)(g) and **Allegation K: Force**, § 87(2)(g) § 87(2)(b)).

After § 87(2)(b) § 87(2)(b) was arrested, unidentified officers brought her to the intersection of East 136th Street and Brook Avenue in the Bronx. Officers allegedly swiped § 87(2)(b) § 87(2)(b) feet out from underneath her and took her to the ground (**Allegation L: Force**, § 87(2)(g) § 87(2)(b)). An officer walked § 87(2)(b) § 87(2)(b) to an ambulance at the intersection of East 136th Street and 3rd Avenue in the Bronx said, "Fuck it," and released § 87(2)(b) § 87(2)(b) at the ambulance (**Allegation M: Discourtesy**, § 87(2)(g) § 87(2)(b)).

§ 87(2)(b), § 87(2)(g), § 87(4-b)

As mentioned above, although Lieutenant Konoski initially arrested § 87(2)(b) § 87(2)(b) an unidentified officer released her and thus no arrests or summonses are associated with this incident.

§ 87(2)(b)

Findings and Recommendations

Allegation (A) Abuse of Authority: At East 137th Street and Brook Avenue in the Bronx, Lieutenant Eric Konoski stopped § 87(2)(b) § 87(2)(b)

The investigation determined the following facts:

On June 4, 2020, at approximately 7:40 p.m., in the vicinity of East 137th Street and Brook Avenue in the Bronx, § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) were walking home near a large protest demonstration occurring on East 136th Street and Brook Avenue in the Bronx. At the intersection of East 137th Street and Brook Avenue, Lieutenant Konoski and Det. Gomez informed § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) that they could not cross the street, as it was closed to pedestrian traffic due to the protest in the area. After briefly leaving the intersection of East 137th Street and Brook Avenue, § 87(2)(b) § 87(2)(b) returned and attempted walk across East 137th Street on Brook Avenue, past Lieutenant Konoski. Lieutenant Konoski grabbed § 87(2)(b) § 87(2)(b) left arm to arrest her and § 87(2)(b) § 87(2)(b) raised her arm and attempted to move away. Lieutenant Konoski ultimately

handcuffed § 87(2)(b) and assigned her arrest to an unidentified detective. § 87(2)(b) was then released from the scene by an unidentified officer before her arrest was processed.

§ 87(2)(b) (BR 01) and § 87(2)(b) (BR 02) provided consistent testimony that they were driving back to § 87(2)(b) home, located on East 139th Street between Brook Avenue and Willis Avenue in the Bronx, and decided to check on neighbors due to police activity in the area. As § 87(2)(b) and § 87(2)(b) walked south on Brook Avenue with another community member, § 87(2)(b) they stopped at the corner of East 137th Street and Brook Avenue, as a barricade prevented them from walking farther south on Brook Avenue. As § 87(2)(b) § 87(2)(b) and § 87(2)(b) prepared to cross the street, Lieutenant Konoski approached § 87(2)(b) § 87(2)(b) and § 87(2)(b) and informed them that they had to stay where they were. § 87(2)(b) and § 87(2)(b) explained that they were a few blocks away from their home, but Lieutenant Konoski told the women they could not go home and refused to allow them to cross the street. After § 87(2)(b) and § 87(2)(b) pleaded with Lieutenant Konoski for less than a minute to two minutes, Lieutenant Konoski grabbed § 87(2)(b) arm (discussed in Allegation B) and arrested her.

Per § 87(2)(b) after she was placed into zip-ties, an unidentified officer walked her to the intersection of East 136th Street and Brook Avenue, where representatives from the Legal Aid Society were present. § 87(2)(b) was experiencing pain to the arm that Lieutenant Konoski grabbed, and Legal Aid Society representatives asked unidentified officers to take § 87(2)(b) to an ambulance, which an unidentified officer then did. As the officer walked § 87(2)(b) to an ambulance, located at East 136th Street and 3rd Avenue, EMTs asked the officer if § 87(2)(b) was under arrest. The officer went over the radio to ask if § 87(2)(b) was arrested, but then walked away and did not return.

As § 87(2)(b) arrest was never processed and no documentation exists of it, in either BADS, or the Mass Arrest Report document (BR 30-31), a stop is being pled to Lieutenant Konoski.

The investigation obtained surveillance footage from § 87(2)(b), at the corner of East 137th Street and Brook Avenue in the Bronx, which captured this incident (BR 03-04). The footage begins with a large police presence near the intersection. § 87(2)(b) wearing light purple shorts, a white shirt with a denim jacket on top, and a yellow mask; § 87(2)(b) wearing a mustard skirt and white shirt; and § 87(2)(b) wearing a black blouse and jeans, attempt to cross East 137th Street from Brook Avenue. Lieutenant Konoski, wearing a white shirt; Det. Gomez, second to Lieutenant Konoski's left; and a third unidentified officer approach the women and appear to engage in a conversation with them, until the women and three officers exit the frame to the right (<<00:05 – 00:27>>). Approximately 10 seconds later, § 87(2)(b) re-enters the frame from the right, and begins walking across East 137th Street in the crosswalk. Lieutenant Konoski similarly re-enters the frame from the right, approaches § 87(2)(b) and grabs her arm to arrest her.

Lieutenant Konoski (BR 05) testified that he and his partner, Det. Gomez, responded to a request for additional units due to a large crowd in the vicinity of East 136th Street and Brook Avenue. After multiple arrests were made, Lieutenant Konoski and Det. Gomez walked back to their vehicle in the vicinity of East 137th Street and Brook Avenue. Lieutenant Konoski observed an “unruly” crowd at the northwest corner of East 137th Street and Brook Avenue, as they were yelling at officers and attempting to “get in a physical altercation” with the officers. Lieutenant Konoski proceeded to the southwest corner of East 137th Street and Brook Avenue to prevent additional people from approaching the northwest corner. § 87(2)(b) § 87(2)(b) and § 87(2)(b) were at the southwest corner. Lieutenant Konoski had a “cordial” conversation with § 87(2)(b) § 87(2)(b) and § 87(2)(b) and explained that they had to disperse up the block while the officers were trying to disperse the crowd from the northwest corner. § 87(2)(b) informed Lieutenant Konoski that she lived farther down on Brook Avenue and was trying to go home and Lieutenant Konoski responded that § 87(2)(b) could go around the block to go home. Lieutenant Konoski asked § 87(2)(b) § 87(2)(b) and § 87(2)(b) to disperse several times, and though they would sometimes step away from the corner, they never completely left the area. After speaking with § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) cordially for approximately two minutes, § 87(2)(b) said to Lieutenant Konoski, “You can’t fucking tell me what to do,” and moved at a quick pace past him toward the northwest corner of the intersection. Lieutenant Konoski considered § 87(2)(b) under arrest for disorderly conduct, as she refused to disperse as ordered. Lieutenant Konoski grabbed § 87(2)(b) arm on her bicep with his hand in order to affect her arrest. Lieutenant Konoski never learned that § 87(2)(b) was released on scene before her arrest was processed.

A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, she congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse. New York Penal Law 240.20 (BR 06).

A person is guilty of obstructing governmental administration (OGA) when she intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act. New York Penal Law 195.05 (BR 07).

Where a police officer entertains a reasonable suspicion that a particular person has committed, is committing, or is about to commit a felony or misdemeanor, the CPL authorizes a forcible stop and detention of that person. People v. De Bour 40 N.Y.2d 210 (1976) (BR 08).

§ 87(2)(b), § 87(2)(g)

Allegation (B) Force: At East 137th Street and Brook Avenue in the Bronx, Lieutenant Eric Konoski used physical force against § 87(2)(b) § 87(2)(b)

Per § 87(2)(b) and § 87(2)(b) as they continued to plead with Lieutenant Konoski for less than a minute to two minutes, Lieutenant Konoski grabbed § 87(2)(b) left arm and twisted it behind her back. § 87(2)(b) described that Lieutenant Konoski put one hand on her left wrist and the other on her elbow. § 87(2)(b) said that Lieutenant Konoski put his hand on § 87(2)(b) left elbow. § 87(2)(b) felt a “pop” in her elbow and screamed in pain, telling Lieutenant Konoski that she heard her arm pop. Due to the pain she experienced, § 87(2)(b) bent over at the waist, but otherwise did not do anything physically with her body. § 87(2)(b) alleged that she suffered a fractured left elbow and wrist as a result of Lieutenant Konoski grabbing her arm and twisting it behind her back.

§ 87(2)(b) (BR 09) testified that she learned the following day from § 87(2)(b) that she had a fractured arm due to Lieutenant Konoski twisting her elbow. § 87(2)(b) also testified that she had knowledge of a preexisting injury § 87(2)(b) had to her arm, and the injury was reaggravated as a result of Lieutenant Konoski’s actions. § 87(2)(b) did not specify when § 87(2)(b) incurred the injury or how it was sustained.

According to § 87(2)(b) medical records from § 87(2)(b) Hospital, § 87(2)(b) went to the emergency room on June 5, 2020, at 6:34 p.m. § 87(2)(b) complained that her left arm was twisted by behind her back by an NYPD officer the night prior. An x-ray of § 87(2)(b) left arm revealed a “minimally displaced intra-articular coronoid process fracture” and a “nondisplaced fracture of head of radius,” both of which are near the elbow joint. § 87(2)(b) medical records noted that there was no fracture or dislocation involving her left wrist (see medical records).

In the surveillance footage mentioned above, after Lieutenant Konoski grabs § 87(2)(b) left arm, § 87(2)(b) appears to raise her arm. Lieutenant Konoski then moves § 87(2)(b) arm behind her back. Lieutenant Konoski appears to struggle to gain control of § 87(2)(b) as she

continues to try to move away. After approximately seven seconds, additional officers swarm the area, obscuring the view of Lieutenant Konoski and § 87(2)(b). The view remains obscured for the rest of the footage (<<00:38 – 01:43>>).

A video posted on § 87(2)(b) Instagram page (BR 10) captures Lieutenant Konoski grabbing and pulling § 87(2)(b) left arm, and attempting to put it behind her back, as § 87(2)(b) moves away from Lieutenant Konoski. § 87(2)(b) has her right arm hooked around § 87(2)(b) right arm and appears to pull § 87(2)(b) toward her. Lieutenant Konoski, § 87(2)(b) and § 87(2)(b) then move out of frame, as the camera pans toward other officers (<<00:00 – 00:05>>).

Per a News 12 Bronx news segment (BR 11), a video captures at least one officer speaking with § 87(2)(b). The video then shows a clip of Lieutenant Konoski holding § 87(2)(b) left arm while § 87(2)(b) continues to move. Similarly to § 87(2)(b) Instagram video, § 87(2)(b) holds § 87(2)(b) right arm. The clip then ends the video footage covers other aspects of the Mott Haven protests (<<00:15 – 00:28>>).

The investigation received 11 body-worn camera videos, all which failed to capture this incident. As mentioned above, none of officers the investigation identified as being present in the vicinity of § 87(2)(b) arrest activated their body-worn cameras.

As mentioned above, Lieutenant Konoski testified that he moved to his left and grabbed § 87(2)(b) arm on her bicep with his hand in order to affect her arrest for disorderly conduct. After Lieutenant Konoski grabbed § 87(2)(b) arm on her bicep area, § 87(2)(b) attempted to pull away from Lieutenant Konoski's grip so Lieutenant Konoski then grabbed § 87(2)(b) left arm again in the bicep area with his other arm. Lieutenant Konoski did not remember how he positioned § 87(2)(b) arm once he had hold of it and did not hear § 87(2)(b) complain of any pain or injuries.

Lieutenant Konoski reviewed the surveillance footage mentioned above, but the footage did not refresh his recollection of any additional details regarding actions he took during § 87(2)(b) arrest.

Det. Gomez (BR 12) testified that upon his arrival, Brook Avenue was closed to both pedestrian and vehicular traffic between at least East 135th Street and East 137th Street. § 87(2)(b) and § 87(2)(b) approached Brook Avenue from East 137th Street. Det. Gomez informed the women that Brook Avenue was closed and both he and Lieutenant Konoski instructed them to "go around." Det. Gomez estimated that § 87(2)(b) and § 87(2)(b) walked away from the intersection and returned approximately two times before finally walking away toward the opposite corner from where Det. Gomez was standing. From approximately 15 to 20 yards away, Det. Gomez heard screaming and saw § 87(2)(b) attempt to cross Brook Avenue. Lieutenant Konoski and other unidentified officers put § 87(2)(b) hands behind her back. Det. Gomez described that § 87(2)(b) was "not happy," "combative," and "flailed her arms," as she did not let officers handcuff her, but Det. Gomez could not describe in further detail what § 87(2)(b) was doing physically as he was primarily focused on ensuring other pedestrians did not cross Brook Avenue. As § 87(2)(b) arrest occurred approximately 15 to 20 yards away from where Det. Gomez was standing, he did not see exactly what actions Lieutenant Konoski and the officers took to handcuff § 87(2)(b) and did not see Lieutenant Konoski specifically raise § 87(2)(b) left arm behind her back. Det. Gomez did not see "anything out of the ordinary" during the course of § 87(2)(b) arrest.

PO Perez (BR 13) testified that he saw Lieutenant Konoski at East 137th Street and Brook Avenue issuing § 87(2)(b) a lawful order. PO Perez could not remember exactly what Lieutenant Konoski said to § 87(2)(b) but believed it was something like, "Get back. The road is closed." PO Perez heard screaming and moved closer to Lieutenant Konoski and § 87(2)(b) but could not estimate a distance in feet. As there were over 100 people in the area, PO Perez turned his attention toward individuals in the crowd and instructed them to move away from the intersection, as the street was closed. As such, PO Perez did not see Lieutenant Konoski grab § 87(2)(b) arm or any force used against her during her arrest.

PO Codero (BR 14) testified that when he was approximately a half block away from East 137th Street and Brook Avenue, he saw Lieutenant Konoski and three females arguing. Lieutenant

Konoski told the women to go in a different direction, but they refused to leave the area. PO Cordero then heard a female voice screaming. When PO Cordero was a few feet away from Lieutenant Konoski, Lieutenant Konoski attempted to place § 87(2)(b) into handcuffs. PO Cordero did not recall where on § 87(2)(b) body Lieutenant Konoski grabbed to affect her arrest. § 87(2)(b) resisted by refusing to put her hands behind her back, but PO Cordero could not further elaborate regarding how § 87(2)(b) resisted. PO Cordero instructed three to four individuals, including § 87(2)(b) and § 87(2)(b) to move back from the area in which officers were arresting § 87(2)(b). PO Cordero's attention then remained on the said individuals in front of him.

Sergeant Ira Gibbs of PSA 7, who was working with POs Perez and Corder and Police Officer Angel Romero of PSA 7, who was working with Lieutenant Konoski and Det. Gomez, were also interviewed. Neither Sgt. Gibbs nor PO Romero observed § 87(2)(b) arrest. Sgt. Gibbs only learned of § 87(2)(b) arrest during his interview for IAB's concurrent investigation, and PO Romero remained at the intersection of East 136th Street and Brook Avenue for the duration of the protest.

The investigation received negative results for a TRI prepared for § 87(2)(b) (BR 16). Per Lieutenant Konoski, he did not prepare a TRI for § 87(2)(b) because the force he used to arrest her did not necessitate the preparation of one.

§ 87(2)(b), § 87(2)(g)

Allegation (J) Force: At East 137th Street and Brook Avenue in the Bronx, Lieutenant Eric Konoski used physical force against § 87(2)(b) § 87(2)(b)

§ 87(2)(b) § 87(2)(b) alleged that as unidentified officers attempted to place her into zip-ties, the zip-tie got caught between § 87(2)(b) thumb and forefinger. Because § 87(2)(b) arm was in pain, she "naturally" squeezed her hand because she was in pain. Officers swiped § 87(2)(b) feet out from underneath her body using their feet (see Allegation K). § 87(2)(b) then fell to the ground and landed on her face and stomach. § 87(2)(b) denied physically resisting the officers' efforts to place her into zip-ties, including moving her body in any way. Once on the ground, the officers zip-tied § 87(2)(b) § 87(2)(b).

§ 87(2)(b) § 87(2)(b) testified that she saw a group of approximately four to five officers, one of which had her knee on § 87(2)(b) back, attempting to get her on the ground. § 87(2)(b) § 87(2)(b) then saw § 87(2)(b) § 87(2)(b) face-down in the middle of Brook Avenue, but § 87(2)(b) § 87(2)(b) did not see how § 87(2)(b) § 87(2)(b) ended up on the ground.

§ 87(2)(b) § 87(2)(b) testified that she saw approximately five officers surround § 87(2)(b) § 87(2)(b) who was bent over, but § 87(2)(b) § 87(2)(b) could not see what, if anything, the officers were doing. § 87(2)(b) § 87(2)(b) could not specify where officers were touching § 87(2)(b) § 87(2)(b) but said it would be "a miracle of physics" if the officers did not make physical contact with § 87(2)(b) § 87(2)(b) because they were standing so close to her. § 87(2)(b) § 87(2)(b) then lost track of § 87(2)(b) § 87(2)(b) and no longer saw her.

Lt. Konoski testified that a group of officers (Lieutenant Konoski could not estimate how many, where the officers came from, or who the officers were) assisted Lieutenant Konoski in

placing flex cuffs on § 87(2)(b) wrists. § 87(2)(b) held the flex cuffs in each of her hands to prevent the officers from applying them. At an unknown point, the officers “lowered” § 87(2)(b) to the ground in a “controlled” manner because the officers were struggling to apply the flex cuffs, as § 87(2)(b) was still holding them. Once § 87(2)(b) was on the ground, face-first, the officers successfully applied the “flex cuffs.”

As discussed above, though the surveillance video does capture Lieutenant Konoski grabbing § 87(2)(b) arm, the number of officers in the area obstructs the view of § 87(2)(b) and Lieutenant Konoski shortly after Lieutenant Konoski first grabs § 87(2)(b) arm. As such, the forcible takedown is not captured on the surveillance footage, nor does the investigation have any other sources of video which capture the takedown.

§ 87(2)(b), § 87(2)(g)

Allegation (C) Force: At East 137th Street and Brook Avenue in the Bronx, officers used physical force against § 87(2)(b) § 87(2)(b)

Allegation (D) Force: At East 137th Street and Brook Avenue in the Bronx, an officer used physical force against § 87(2)(b) § 87(2)(b)

Allegation (E) Force: At East 137th Street and Brook Avenue in the Bronx, an officer struck § 87(2)(b) with a baton.

Allegation (F) Discourtesy: At East 137th Street and Brook Avenue in the Bronx, officers spoke discourteously to § 87(2)(b) § 87(2)(b)

Allegation (G) Force: At East 137th Street and Brook Avenue in the Bronx, an officer struck § 87(2)(b) § 87(2)(b) with a baton.

Allegation (H) Force: At East 137th Street and Brook Avenue in the Bronx, an officer used physical force against § 87(2)(b) § 87(2)(b)

Allegation (I) Force: At East 136th Street and Brook Avenue in the Bronx, an officer pulled § 87(2)(b) § 87(2)(b) hair.

Allegation (K) Force: At East 137th Street and Brook Avenue in the Bronx, officers used physical force against § 87(2)(b) § 87(2)(b)

Allegation (L) Force: At East 136th Street and Brook Avenue in the Bronx, officers used physical force against § 87(2)(b) § 87(2)(b)

Allegation (M) Discourtesy: At East 136th Street and 3rd Avenue, an officer spoke discourteously to § 87(2)(b) § 87(2)(b)

Known Facts and General Descriptions

§ 87(2)(b) testified that after Lieutenant Konoski grabbed § 87(2)(b) arm, § 87(2)(b) grabbed § 87(2)(b) right wrist with both her hands to prevent Lieutenant Konoski from pulling § 87(2)(b) away. Six to eight officers “in gear” grabbed § 87(2)(b) s right shoulder and pulled § 87(2)(b) off of § 87(2)(b). The officers then pushed § 87(2)(b) into a security gate in front of a bodega, which was approximately six to eight feet away, causing her back to make contact with the security gate.

§ 87(2)(b) testified that approximately 10 “mostly male” officers wearing “a lot of gear” pushed § 87(2)(b) on the front of her body near her arms for approximately five to 10 seconds. § 87(2)(b) could not say if she was pushed one time or multiple times in succession. § 87(2)(b) back made contact with a wall of a surrounding building, approximately five feet away from where § 87(2)(b) was arrested. An officer, who § 87(2)(b) could not describe other than stating he was male and “in gear,” attempted to strike § 87(2)(b) with a baton, however, § 87(2)(b)

§ 87(2)(b) put her hand in the air and caught it with her palm so that her thumb was on top of the baton and her fingers were on the bottom.

§ 87(2)(b) testified that after Lieutenant Konoski grabbed her arm, she bent over at the waist as she was in pain. Lieutenant Konoski put a zip-tie on § 87(2)(b) left wrist. Approximately three additional male officers, who § 87(2)(b) could not further describe because she was partially doubled-over, approached § 87(2)(b). The officers said, “Get on the fucking ground,” and, “You should have went the fuck home.” As the officers attempted to zip-tie § 87(2)(b) right wrist, the zip-tie got caught between § 87(2)(b) thumb and index finger, and because § 87(2)(b) was in pain, she “naturally” closed her hand. A male officer, positioned behind § 87(2)(b) struck her right hand with a baton more than once, though § 87(2)(b) could not specify how many times she was struck with the baton. Another male officer, standing in front of § 87(2)(b) kned her in the stomach four times. Another officer, also directly in front of § 87(2)(b) pulled § 87(2)(b) hair. § 87(2)(b) denied physically resisting or moving her body while the officers were trying to handcuff her. After at least one minute, officers “swiped” § 87(2)(b) feet from underneath her using their feet, causing her to fall to the ground face-first and land on her face and stomach. Once on the ground, an officer zip-tied § 87(2)(b) right wrist and lifted her off the ground. Two officers then walked § 87(2)(b) to East 136th Street and Brook Avenue, where the officers instructed § 87(2)(b) to sit down. § 87(2)(b) told the officers that her arm was in too much pain for her to sit down. The two officers then “swiped” § 87(2)(b) feet from underneath her, using their feet. § 87(2)(b) landed on the ground on her buttocks. Legal Aid representatives at East 136th Street and Brook Avenue asked officers to take § 87(2)(b) to an ambulance. After approximately 10 to 15 minutes, an officer, described as a Middle Eastern male with dark hair, 5’8” to 5’9”, with average build, walked § 87(2)(b) to an ambulance located at East 136th Street and 3rd Avenue. EMTs asked the officer if § 87(2)(b) was under arrest. The officer said over the radio, “Is she arrested or not, bro?” The officer then said, “Fuck it,” and walked away. § 87(2)(b) did not remember if the officer or EMTs took off her zip-ties.

BWC

As mentioned above, the investigation received 11 body-worn cameras, all which failed to capture this incident. Lieutenant Konoski, Det. Gomez, PO Perez, and PO Cordero all failed to activate their body-worn cameras.

NYPD Documents Reviewed

As § 87(2)(b) was released at the ambulance by an unidentified officer, no arrest report was generated for her, nor was any information listed for her in the Mass Arrest Report document. Further, the investigation received negative results for a warrant audit, TRI, and MTPR for § 87(2)(b) (BR 15-17). The investigation also received negative results for TRIs prepared for § 87(2)(b) and § 87(2)(b) (BR 18-19).

Concurrent Investigations

Detective Omar Mangual of IAB’s Group 54 was assigned to a concurrent investigation into this incident. To date, Det. Mangual had not identified any additional officers who participated in or witnessed § 87(2)(b) apprehension, and IAB’s investigation is still open.

Ranking Officers

Lieutenant Konoski was the highest-ranking officer known to be present at East 137th Street and Brook Avenue at the time of § 87(2)(b) arrest. His testimony will be discussed in further detail below.

Officers Interviewed

Lieutenant Konoski testified that he verbally requested additional officers in the area assist

him with § 87(2)(b) arrest. A group of officers (Lieutenant Konoski could not estimate how many, where the officers came from, or who the officers were) assisted Lieutenant Konoski in placing flex cuffs on § 87(2)(b) wrists. § 87(2)(b) held the flex cuffs in each of her hands to prevent the officers from applying them. Lieutenant Konoski denied making the statements, “Get on the fucking ground,” or, “You should have went the fuck home,” and did not recall any of the officers who assisted him making these statements. Officers then grabbed § 87(2)(b) hands to unclench her fists. Lieutenant Konoski did not see any officer strike § 87(2)(b) hand with a baton so that § 87(2)(b) would release the flex cuffs. Lieutenant Konoski denied seeing any officer kick § 87(2)(b) in the stomach or pull her hair. At an unknown point, the officers lowered § 87(2)(b) to the ground in a controlled manner because the officers were struggling to apply the flex cuffs, as § 87(2)(b) was still holding them. Once § 87(2)(b) was on the ground, face-first, the officers successfully applied the flex cuffs. After § 87(2)(b) was cuffed, Lieutenant Konoski assigned her arrest to a detective on scene who participated in the arrest. Lieutenant Konoski did not know the detective’s name or command, but confirmed the detective was not assigned to his own command (PSA 7). Lieutenant Konoski instructed the detective to bring § 87(2)(b) to East 136th Street and Brook Avenue, where Strategic Response Group (SRG) officers were processing arrests. Lieutenant Konoski had no further interaction with § 87(2)(b) never learned that she had been cut loose, or that she sustained injuries.

PO Perez did not see any officers use any physical force against § 87(2)(b) nor did he hear any officer use the word “fuck” when speaking with § 87(2)(b) PO Perez acknowledged seeing an individual on the ground, but he did not know if the individual on the ground was § 87(2)(b) Though PO Perez testified that he instructed members of the crowd near § 87(2)(b) arrest to step back, he denied pushing any member of the crowd, including § 87(2)(b) and § 87(2)(b) or striking § 87(2)(b) with his baton. PO Perez did not see any other officers take these actions.

PO Cordero testified that he saw other officers assist Lieutenant Konoski in arresting § 87(2)(b) but he did not know who the officers were and could not estimate how many officers were involved. PO Cordero verbally instructed § 87(2)(b) and § 87(2)(b) who were “extremely close” to where Lieutenant Konoski was arresting § 87(2)(b) to move back. § 87(2)(b) and § 87(2)(b) verbally complied with PO Cordero’s commands. PO Cordero denied pushing § 87(2)(b) and § 87(2)(b) denied striking § 87(2)(b) with an asp, and denied seeing any other officer take these actions.

Det. Gomez testified that he did not see any officer hit § 87(2)(b) with a baton, kick her in the stomach, or pull her hair. Det. Gomez did not hear any officer use the word “fuck” when speaking with § 87(2)(b) Det. Gomez did not see any officers push § 87(2)(b) or § 87(2)(b) and did not see any officer strike § 87(2)(b) with a baton. Det. Gomez did not take any of the aforementioned actions himself.

As mentioned above in Allegation A, Sgt. Gibbs and PO Romero did not witness § 87(2)(b) arrest.

Lieutenant Konoski, PO Perez, PO Cordero, and Det. Gomez all reviewed the surveillance video, but none of the aforementioned officers could identify any of the officers assisting Lieutenant Konoski with § 87(2)(b) arrest.

Allegation Recitation and Disposition

As referenced throughout the report, the investigation could not identify any additional officers who assisted Lieutenant Konoski in § 87(2)(b) arrest, took § 87(2)(b) to East 136th Street and Brook Avenue, and to the ambulance, nor could the investigation identified the officers who allegedly pushed § 87(2)(b) and § 87(2)(b) and struck § 87(2)(b) with a baton for the following reasons: (1) § 87(2)(b) § 87(2)(b) and § 87(2)(b) all provided extremely limited and general physical descriptions of the officers; (2) the officers were not identifiable in the surveillance video; (3) the officers whom the investigation interviewed could not identify the additional officers involved and did not activate their own body-worn cameras; and (4) no

documentation exists of § 87(2)(b) arrest or the alleged use of force against § 87(2)(b) and Ms § 87(2)(b) § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

§ 87(2)(b), § 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been parties (BR 21-24).
- Lieutenant Konoski has been a member of service for 18 years and has been named a subject in 14 CCRB cases and 36 allegations, of which four were substantiated:
 - 200511684 involved a substantiated allegation of a frisk. The Board recommended charges and the NYPD did not impose discipline.
 - 200512992 involved substantiated allegations of a question and/or stop, and a frisk. The Board recommended charges and the NYPD imposed Command Discipline A.
 - 201506557 involved substantiated allegations of a search of a person. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.
 - Lieutenant Konoski's CCRB history does not reflect any apparent pattern pertinent to this investigation.
- PO Perez has been a member of service for 14 years and has been named a subject in seven cases and 16 allegations, one of which was substantiated:
 - 201606548 involved a substantiated allegation of physical force. The Board recommended Command Discipline A and the NYPD imposed formalized training.
 - PO Perez's CCRB history does not reflect any apparent pattern pertinent to this investigation.
- PO Cordero has been a member of service for six years and has been named a subject in nine cases and 27 allegations, three of which were substantiated:
 - 201702059 involved a substantiated allegation of a frisk. The Board recommended command level instructions and the NYPD imposed formalized training.
 - 201706354 involved substantiated allegations of a retaliatory summons and a vehicle search. The Board recommended charges and the NYPD has yet to impose discipline.
 - PO Cordero's CCRB history does not reflect any apparent pattern pertinent to this investigation.
- Det. Gomez has been a member of service for nine years and has been named a subject in three cases and six allegations, none of which were substantiated. Det. Gomez's CCRB history does not reflect any apparent pattern pertinent to this investigation.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of July 14, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (BR 25-26).
- According to the Office of Court Administration (OCA), § 87(2)(b) and § 87(2)(b) have no history of convictions in New York City (BR 27-29).

Squad: 14

Investigator: Casey McCann Inv. Casey McCann 07/26/2021
Signature Print Title & Name Date

Squad Leader: Cassandra Fenkel IM Cassandra Fenkel 07/26/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date